

United States District Court

SEP - 1 2016

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Elvia Mireya Benavides-Flores PRINCIPAL Mexico CT. 1 & 2
YOB: 1973
Cristian Lara-Mireles CO-PRINCIPAL Mexico CT. 1 & 2
YOB: 1994
Cristian Salvador Perales-Benavides CO-PRINCIPAL Mexico CT. 1 & 2
YOB: 1997
Osnel Alejandro Martinez-Martinez CO-PRINCIPAL Mexico CT. 1
YOB: 1993

Case Number:

M-16- 1610 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 30, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

CT. 1 knowing or in reckless disregard of the fact that Josselin Vanessa Herrera-Aguilar and Edwin Manuel Vasquez-Hernandez, citizens of Honduras, and Tania Janeri Nanduca-Villagran, citizen of the United Mexican States, along with thirty-six (36) other undocumented aliens, for a total of thirty-nine (39), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Mission, Texas to the point of arrest near Mission, Texas,

CT. 2 knowing or in reckless disregard of the fact that Josselin Vanessa Herrera-Aguilar and Edwin Manuel Vasquez-Hernandez, citizens of Honduras, and Tania Janeri Nanduca-Villagran, citizen of the United Mexican States, along with thirty-six (36) other undocumented aliens, for a total of thirty-nine (39), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempted to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) & 1324 (a)(1)(A)(ii) Felony

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On August 25, 2016, FIT West Border Patrol Agents (BPA) received information of a possible stash house located at 715 South Bentsen Palm Drive in Mission, Texas.

On August 29, 2016, FIT West BPA's conducted surveillance at the residence. Agents determined from observations that individuals were moving from that residence to 2803 David Street in Mission, Texas.

On August 30, 2016, FIT West BPA's conducted surveillance on the residence located at 2803
SEE ATTACHED

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

Approved Joseph Leonard
Sworn to before me and subscribed in my presence,

September 01, 2016
Date

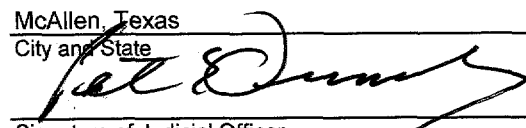
Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer



Signature of Complainant

Nicolas Cantu Senior Patrol Agent
Printed Name of Complainant

McAllen, Texas
City and State


Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16- 1610 -M

**RE: Elvia Mireya Benavides-Flores
Cristian Lara-Mireles
Cristian Salvador Perales-Benavides
Osnel Alejandro Martinez-Martinez**

CONTINUATION:

David Street in Mission, Texas. Agents observed Cristian Salvador Perales-Benavides arrive at the residence with six people in a blue Jeep Cherokee. Elvia Mireya Benavides-Flores was then observed leaving the residence in the same Jeep Cherokee.

Agents followed Elvia Benavides and observed her meeting with Osmel Alejandro Martinez-Martinez, whom was driving a Chevrolet Trailblazer. Two females then exited the Chevrolet Trailblazer and boarded Elvia Benavides's vehicle. Agents continued surveillance on both vehicles.

BPA's contacted the Hidalgo County Constable's Office Precinct 4 for assistance. Deputy Vasquez encountered the Jeep Cherokee driven by Benavides and performed a vehicle stop at the intersection of Moorefield road and Mile 2 road in Mission, Texas for disregarding a stop sign. BPA Quintanilla and Solis approached the traffic stop and questioned the driver and passengers of the vehicle. Elvia Benavides admitted to being illegally in the United States and picking up two undocumented immigrants with the intention to take them to the residence at 2803 David Street in Mission, Texas. Benavides was placed under arrest and read her Miranda Rights. The two passengers were also questioned as to their immigration status and both admitted to being illegally in the United States. The two female passengers were then placed under arrest.

Elvia Benavides willingly answered questions without an attorney present. Benavides told BPA's that there were approximately 36 undocumented aliens at the home, along with her son (Cristian Salvador Perales-Benavides), daughter (Juvenile), and daughter's boyfriend (Cristian Lara-Mireles). Benavides stated that she pays rent to live in the trailer home located at 2803 David Street in Mission, Texas and granted BPA's verbal and written consent to search it.

**UNITED STATES DISTRICT COURT
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Osnel Alejandro Martinez-Martinez**

CONTINUATION:

BPA's conducted a search on the residence and discovered 40 individuals. All the subjects were questioned regarding their immigration status and all were found to be illegally in the United States.

All the undocumented aliens were transported to the Mcallen Border Patrol Station for processing.

BPA's conducting surveillance on Osmel Alejandro Martinez-Martinez, requested assistance from the Penitas Police Department. The Penitas Police Department responded and conducted a traffic stop on the Chevrolet Trailblazer by the intersection of Trosper Road and FM 495 in Mission, Texas. Martinez was cited for Obstruction of View, No Driver's license, and No Insurance. BPA's approached the stop and Martinez was found to be illegally in the United States. Martinez claimed to have dropped off two undocumented immigrants. Martinez was placed under arrest, read his Miranda Rights, and transported to the Mcallen Border Patrol Station.

PRINCIPAL STATEMENTS

Elvia Mireya Benavides-Flores was read her Miranda Rights. She understood her rights and provided a sworn statement without the presence of an attorney.

Benavides, a citizen of the United Mexican States, stated that she just started renting at 2803 David Street in Mission, Texas. Benavides became involved in alien smuggling through a posting on Facebook. She agreed to harbor and transport undocumented immigrants for money. She has been smuggling aliens for 4 weeks and has been paid a total of \$1,770 USD. She claims nobody else is involved with smuggling. She would pick up the undocumented aliens and take them to the house. She would cook twice a day, in the morning and afternoon. She took the undocumented aliens cellphones and wrote down their names in a notebook. She instructed them to stay inside, keep quiet, shower, and tell them which room to stay in. She kept the males and females in separate rooms.

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SOUTHERN DISTRICT OF TEXAS
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Cristian Salvador Perales-Benavides
Osmel Alejandro Martinez-Martinez**

CONTINUATION:

Cristian Salvador Perales-Benavides was read his Miranda Rights. He understood his rights and provided a sworn statement.

Perales, a citizen of the United Mexican States, stated he lives at 2803 David Street in Mission, Texas. He stated he just moved in and previously lived at 715 South Bentsen Palm Drive Mission, Texas. He admitted to transporting undocumented aliens for about two months. Benavides (Mother) told him to transport the undocumented aliens and he felt obligated. Benavides would not pay him and she kept all the money. Perales would also buy food when Benavides told him. Perales stated Benavides would get paid \$25 USD each person, per day by an unknown person. His Sister (Juvenile) and Sister's boyfriend (Cristian Eduardo Lara-Mireles) both transported and bought food for the undocumented immigrants. Benavides would pay them \$300 USD. Perales told the undocumented immigrants to stay inside and keep quiet. He believes a total of 300 undocumented immigrants passed through the houses. Perales stated he would carry an airsoft rifle to scare the people when they called him names.

Cristian Lara-Mireles was read his Miranda Rights. He understood his rights and declined to provide a sworn statement.

Osmel Alejandro Martinez-Martinez was read his Miranda Rights. He understood his rights and provided a sworn statement.

Martinez, a citizen of the United Mexican States, stated he knew the persons he transported were undocumented immigrants. He saw them at the Penitas, Texas Walmart alone and abandoned. The two females asked him for a ride. Nobody told him to pick them up, it was voluntary. He transported them to Benavides thinking he might get some money.

MATERIAL WITNESS

Josselin Vanessa Herrera-Aguilar, Edwin Vasquez-Hernandez, and Tania Janeri Nanduca-Villagran were read their Miranda Rights. They understood their rights and provided sworn statements.

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Cristian Salvador Perales-Benavides
Osnel Alejandro Martinez-Martinez**

CONTINUATION:

Josselin Vanessa Herrera-Aguilar, a citizen of Honduras, stated her aunt made the smuggling arrangements. Her aunt paid a smuggling fee of \$4,500 USD and she needed to pay an additional \$2,000 USD. After crossing the Rio Grande River she was taken to a small house. From there, she was picked up by Osnel Alejandro Martinez-Martinez and transported to another location, where she was transferred to a vehicle driven by Elvia Mireya Benavides-Flores. Herrera identified both Martinez and Benavides as the drivers of the vehicles that transported her through photo lineups.

Tania Janeri Nanduca-Villagran, a citizen of the United Mexican States, stated her husband made the smuggling arrangements. After crossing the Rio Grande River, she was taken to a store where Elvia Mireya Benavides-Flores picked her up. She was transported to a house where Benavides instructed her to enter quietly. Benavides then took her and three other people to clean an unknown trailer. She was told by Benavides that they were cleaning it because they were going to move there. Nanduca was transported to the trailer by Cristian Salvador Perales-Benavides. Nanduca observed Perales walk around with a rifle and handgun. After arriving at the trailer, Cristian Eduardo Lara-Mireles took care of them by providing food. Benavides, Perales, and Lara were identified by Nanduca through a photo lineup.

Edwin Manuel Vasquez-Hernandez, a citizen of Honduras, stated his smuggling fee was \$7,000 USD. After crossing the Rio Grande River, he walked through the brush and was picked up and taken to a store. At the store, Cristian Salvador Perales-Benavides picked him up and transported him to a house. Perales told him to obey his orders or he would get turned over to Border Patrol. Perales also showed him a black rifle and said if they didn't fear him they would fear his rifle. At the house, Elvia Mireya Benavides-Flores told him to write his name in a notebook and demanded his cell phone. Vasquez was taken to the trailer and was told there by Cristian Eduardo Lara-Mireles to stay quiet and not make any noise. If they needed anything to ask Lara. Perales, Benavides, and Lara were identified by Vasquez through a photo lineup.